IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.75410-M of 2006

DATE OF DECISION: MARCH 6, 2007

Parmod Kumar and another

...PETITIONERS

VERSUS

Santa Singh and another

...RESPONDENTS

CORAM: HON'BLE MR.JUSTICE SATISH KUMAR MITTAL

Present: Mr. Hemant Saini, Advocate,
for the petitioners.
Mr.N.S.Sodhi, Advocate,
for respondent No.1.
Mr.N.S.Gill, AAG, Punjab,
for respondent No.2.

...

The petitioners apprehending their arrest in a non-bailable offence in complaint case titled "Santa Singh vs. Parmod Kumar and another" pending in the Court of JMIC, Ferozepur under Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, have filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail.

While issuing notice of motion on December 1, 2006, the arrest of the petitioners was stayed subject to the condition that they will appear before the trial court and furnish their regular bail bonds to its satisfaction.

I have heard the counsel for the parties.

Counsel for the petitioners contends that the aforesaid complaint, in which the petitioners have been summoned, has been filed totally on false facts with an oblique motive as the extensive civil litigations are going on between the parties. In this regard, counsel for the petitioners referred to the suit for specific performance and possession of 24 kanals of land, which was filed by petitioner No.2 against the complainant and the said suit was decreed and even appeal of the complainant was dismissed on

4.9.2006. Counsel further contends that petitioner No.1 has also filed a civil suit for recovery of Rs.1,09,465/- against the complainant on 24.2.2003 and the said suit is still pending. Counsel also referred that the complainant has also filed a suit for rendition of account against the petitioners and the same is also pending. Counsel contends that with this background, the complainant has lodged the false complaint by misusing the provisions of the Act.

Counsel for the petitioners further contends that in terms of the interim order dated December 1, 2006, the petitioners have appeared before the trial court and furnished their regular bail bonds which have been accepted and attested and since then they are regularly appearing. These facts have not been disputed by the counsel for the respondents.

In view of the aforesaid facts, the interim order dated December 1, 2006 is made absolute on the same terms and conditions.

Disposed of accordingly.

March 6, 2007 (SATISH KUMAR MITTAL)
vkg JUDGE